

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 10, 2006**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Ordinance to Require Owners to Clean Up After Their Dogs**

RECOMMENDATION: After a public hearing, act on a proposed ordinance to require owners to clean up after their dogs that defecate on public property or private property without permission.

SUMMARY: For some time there has been growing concern about dog owners allowing their pets to defecate on public property or private property without permission of the property owner and failing to remove the waste. Council members have heard these concerns and have even raised them at past work sessions. Council was presented a petition on the matter and a draft ordinance during its December 13, 2005 work session. A copy of the original Council report is attached.

During the work session concern was expressed regarding the potential severity of the penalty for a violation. The City Attorney has revised the language to limit the fine to only \$50.00. Furthermore, he has confirmed that only Class 1 and Class 2 misdemeanors show up on a criminal records check.

Council should also note the requirement that the complaining party initiate enforcement action by appearing before the magistrate as the Police Department will not be in a position to enforce the ordinance.

PRIOR ACTION(S): December 13, 2005; Proposed ordinance reviewed and public hearing authorized.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): Council Report of December 13, 2006; Proposed Ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 7-12. CLEANING UP AFTER DOGS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 7-12 as follows:

Sec. 7-12. Cleaning up after dogs.

(a) It shall be unlawful for any owner or person in control of any dog to allow such dog to defecate on public property or on the private property of other persons without their consent or the consent of the owner's authorized agent.

(b) Provided however, defecation by a dog on public or private property shall not constitute a violation of this section if the owner or person in control of the dog immediately removes the defecated matter and disposes of it in a safe and sanitary manner.

(c) A violation of this section shall be punished by a fine of fifty dollars (\$50.00).

(d) To charge someone with a violation of this section the person observing the violation shall determine the identity of the person committing the violation and appear before the magistrate and provide the magistrate with the information necessary for the issuance of a summons or warrant.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

006L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 13, 2005, Work Session**

AGENDA ITEM NO.: **3**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Proposed Ordinance to Require Owners to Clean Up After Their Dogs

RECOMMENDATION: Authorize the advertisement of a public hearing to receive comment on a proposed ordinance to require owners to clean up after their dogs defecate on public property or private property without permission.

SUMMARY: For some time there has been growing concern about dog owners allowing their pets to defecate on public property or private property without permission of the property owner and failing to remove the waste. Council members have heard these concerns and have even raised them at past work sessions. Recently residents of Wyndhurst presented a petition (attached) asking Council to take steps to provide penalties for owners who fail to clean up after their dogs. Council Member Seiffert asked that the matter be brought before Council.

The City Attorney has drafted the attached ordinance for Council's consideration. Council is asked to authorize a public hearing on this matter for its January 10, 2006 regular meeting.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): Petition; Proposed Ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 7-12. CLEANING UP AFTER DOGS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 7-12 as follows:

Sec. 7-12. Cleaning up after dogs.

(a) It shall be unlawful for any owner or person in control of any dog to allow such dog to defecate on public property or on the private property of other persons without their consent or the consent of the owner's authorized agent.

(b) Provided however, defecation by a dog on public or private property shall not constitute a violation of this section if the owner or person in control of the dog immediately removes the defecated matter and disposes of it in a safe and sanitary manner.

(c) A violation of this section shall constitute a class 4 misdemeanor.

(d) To charge someone with a violation of this section the person observing the violation shall appear before the magistrate and provide the magistrate with the information necessary for the issuance of a summons or warrant.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

November 21, 2005

Honorable Mayor Carl Hutchinson
City of Lynchburg, Virginia

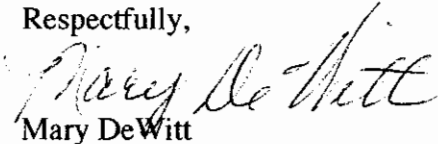
Dear Mayor Hutchinson,

Enclosed is a petition from the residences of Wyndhurst, as requested. The petition consists of 63 signatures.

We are requesting a city ordinance that would penalize pet owners who fail to pick up their pet's litter.

Thank you for your attention to this matter.

Respectfully,



Mary DeWitt

Chairman: Parks POA Ground Committee
106 Wyndsong Place
Lynchburg, Virginia 24502

Home phone: 237-0602

cc. Mr. & Mrs. K. Payne

[illegible]

We, the undersigned residents of the City of Lynchburg, state our dissatisfaction with the high level of dog excrement in Wyndhurst. We want to see dog owners held accountable for their pet's litter. Accountability means, we want a city ordinance that would penalize dog owners who fail to pick up their dog's litter.

Signed	Print Name	Address
Mary DeWitt	MARY DeWITT	106 WYNDHURST PL
Chubianman		
Cynthia Shoemaker	Cynthia Shoemaker	1212 Running Cedar Way
Paul Miller	Paul Miller	Wyndhurst
Shannon Miller	Shannon Miller	Wyndhurst
Kaye K. Crosby	Kaye K. Crosby	202 Wyndhurst Dr.
Steven McCann	Steven McCann	304 Bell St. Lyby. 24501
AC Brooks	AC BROOKS	100 Wyndhurst Dr 24502
Toby Brooks	Toby Brooks	"
Joe Poppenater	Joe Poppenater	103 Wyndhurst Dr
Dorothy Templeton	Dorothy Templeton	601 Wyndhurst Dr. Unit 304
Kenneth Templeton	Kenneth Templeton	601 Wyndhurst Dr. Lyby. 24502
Debbie Hobbles	Debbie Hobbles	2092 PLUM BRANCH RD CONCORD VA.
Blake Edwards	BLAKE EDWARDS	385 HORIZON DRIVE, Forest 24551
Jonathan Ann	Jonathan Ann	112 Lafayette Pl., Forest, VA. 24551
Najala Wallschlager	Najala Wallschlager	255 Northwood Cir. Lynch 24502
Joel Wallschlager	Joel Wallschlager	235 Northwood Cir. L. Burg 24502
Gideon Hale	Gideon Hale	404 Clay's Crossing Dr. Forest 24551
Matthew Gathuriet	Matthew Gathuriet	5700 Cottonwood Rd. Forest 24551
Rebecca Harpoot	Rebecca Harpoot	515 MILL VIEW LN LYNCHBURG 24502
Rebecca Walker	Rebecca Walker	89 Viking Drive York 24502
Chelsea Meier	Chelsea Meier	Liberty University
Ashley Holbrook	Ashley Holbrook	Liberty University
Heather Murray	Heather Murray	Liberty University
John Wherry	John Wherry	83 Viking Dr Lynchburg 24502
Toni Elkins	Toni Elkins	1000 Noddingspark Rd 24502
Barbara Rogers	BARBARA ROGERS	605 WYNDHURST DR #223 24502
George Rogers	George Rogers	" " " " "

We, the undersigned residents of the City of Lynchburg, state our dissatisfaction with the high level of dog excrement in Wyndhurst. We want to see dog owners held accountable for their pet's litter. Accountability means, we want a city ordinance that would penalize dog owners who fail to pick up their dog's litter.

[illegible]

02

3

We, the undersigned residents of the City of Lynchburg, state our dissatisfaction with the high level of dog excrement in Wyndhurst. We want to see dog owners held accountable for their pet's litter. Accountability means, we want a city ordinance that would penalize dog owners who fail to pick up their dog's litter.

[illegible]